



INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/12232	International filing date (day/month/year) 03.11.2003	Priority date (day/month/year) 20.11.2002
International Patent Classification (IPC) or both national classification and IPC B01F15/00		
Applicant UNILEVER N.V. et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 08.04.2004	Date of completion of this report 01.03.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Dorfschmidt, E Telephone No. +49 89 2399-2915 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/12232**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-18 as originally filed

Claims, Numbers

1-6, 8-11 received on 30.09.2004 with letter of 27.09.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
- (Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 7
- because:
- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the Standard.
 - ☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-6,7-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-6,7-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-6,7-11
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

I.

1. An apparatus for mixing components for the preparation of products is generally known. In order to increase the efficiency of the mixing of different compositions without cleaning of the apparatus, it is suggested to use a foil material as mixing chamber in the mould. This used foil can easily be replaced by a new foil.
2. This solution is not shown nor it is given any hint to this embodiment in the prior art documents. Therefore, the subject-matter of claims 1 (apparatus) and 8 (method) seems to fulfil the requirements of Article 33 PCT with respect to novelty and inventive step.
3. The dependent claims are concerned with further details of the invention and seem likewise to be novel and inventive.

II:

1. The technical features mentioned in the claims are not followed by reference characters relating to these features, contrary to Rule 6.2(b) of the PCT. This applies to both the preamble and characterising portion.
2. Documents D1 to D3 have not been identified in the description nor has the relevant background art disclosed therein been discussed. The requirements of Rule 5.1 (a)(ii) PCT are, thus, not fulfilled.
3. The parts of the description which are related to the now cancelled former claim 7 should also have been deleted.
4. The amendments can be made when entering into the regional phases.

Claims

1. Apparatus for mixing components for the preparation of products, such as for example foodstuffs, cosmetics and pharmaceuticals, comprising a mixing chamber which is provided with an inlet for the components and an outlet for the product, and mixing means for mixing the components after introduction thereof into the mixing chamber, **characterized in that** those parts of the mixing chamber which will come into contact with the components are defined by a foil material which can be renewed between two successive mixing operations such as to be able to start a mixing operation with an uncontaminated mixing chamber.
2. Apparatus according to claim 1, wherein the mixing chamber is defined between two co-operating mould parts, wherein two foil sheets are positioned between the mould parts, said mould parts being movable from an operative position in which they engage each other while clamping together the foil sheets, and an inoperative position in which they are moved apart and allow the foil sheets to be shifted relative to the mould parts.
3. Apparatus according to claim 2, wherein the foil sheets are elongate foil sheets which are moved relative to the apparatus between two successive mixing operations and wherein means for moving the foil sheets are provided, such as for example reels for unwinding and/or winding the foil sheets.
4. Apparatus according to claim 2 or 3, wherein one mould part is a substantially solid member having a recess in its surface facing the other mould part, while the other mould part is a flexible member which in the operative position covers the

recess and sealingly engages those parts of the solid member surrounding the recess, wherein the mixing means comprise movable pressure means for pressing the flexible member into the recess such as to cause the mixing of the components present in the mixing chamber.

5. Apparatus according to claim 4, wherein the mixing means comprise a pressure roll movable towards the solid member for engaging the flexible member and pressing it into the recess, which pressure roll has a contour closely matching the contour of the recess, wherein further the pressure roll is movable to and for along the recess.

6. Apparatus according to claim 1, wherein the mixing chamber is defined by the foil material itself which defines a pre-shaped elongate web with a succession of separate internal cavity structures which each are provided with an inlet and an outlet for communication with the surroundings and which each are shaped such as to promote the mixing of components introduced through the inlet, and wherein the apparatus further preferably comprises a support for a cavity structure of the elongate foil material web and means for moving the elongate web relative to the support between two successive mixing operations, whereas the mixing means preferably comprise movable pressure means for engaging the cavity structure while pressing it against the support.

7. Pre-shaped elongate web of foil material for use in an apparatus for mixing components for the preparation of products, said web comprising a succession of separate internal cavity structures which each are provided with an inlet and an outlet for communication with the surroundings and which each

are shaped such as to promote the mixing of components introduced through the inlet.

8. Method for mixing components for the preparation of products, such as for example foodstuffs, cosmetics and pharmaceuticals, wherein the components are introduced into a mixing chamber which is provided with an inlet for the components and an outlet for the product, whereafter mixing means provide for a mixing of the components in the mixing chamber, **characterized in that** those parts of the mixing chamber which will come into contact with the components are defined by a foil material, wherein between two successive mixing operations the foil material is renewed such as to be able to start a following mixing operation with an uncontaminated mixing chamber.

9. Method according to claim 8, comprising the following steps:

- after completion of a previous mixing or other processing operation opening the outlet and discharging the mixed/processed product;
- thereafter renewing the foil material and closing the outlet;
- opening the inlet and introducing the components to be mixed or processed;
- closing the inlet and activating the mixing means until the mixing or processing operation is completed;
- repeating the above steps for each successive product to be mixed.

10. Method according to claim 9, as carried out with an apparatus according to any of the claims 2-5, wherein the step of renewing the foil material comprises firstly moving apart

**REPLACED BY
ART 34 AMDT**